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CIVIL SERVICE COMMISSION

RULE 32

LAY-OFF AND INVOLUNTARY LEAVE

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RULE 32

LAY-OFF AND INVOLUNTARY LEAVE

Section 32.01. RULE PRESCRIBED - AUTHORITY

A. Under the authority of Section 3.661 of the Charter of the City and County of San Francisco, the Civil Service Commission of the City and County of San Francisco does prescribe and adopt the following rule which shall have the force and effect of law.

B. The General Manager, Personnel, shall be responsible for administering and making effective the provisions of this rule, and establishing such administrative controls as may be necessary.

C. In all matters pertaining to interpretation of this rule, the decision of the Commission will be final.

Section 32.02. SENIORITY - DEFINED

A. Except as may otherwise be provided in this rule, seniority shall be defined as follows:

- | | |
|------------------------------------|--|
| PERMANENT | 1. Seniority for permanent appointees shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. Seniority for appointees granted status or permanent tenure to a class shall be determined by the date of certification in the class from which status or permanent tenure was granted. |
| TEMPORARY
FROM
ELIGIBLE LIST | 2. Seniority for temporary employees appointed from an eligible list shall be determined by the date of certification which resulted in a temporary appointment to a position in a class in a department. |
| LIMITED TENURE | 3. Seniority for limited tenure appointees shall be determined by the date an appointee starts to work in a current continuous limited tenure appointment in a department. Seniority in the event of ties shall be determined by the appointing officer whose decision shall be final. |

B. Excluding involuntary leave as provided elsewhere in this rule, seniority shall not be affected or reduced by current or previous periods of authorized leave of absence or authorized reduction in work schedules.

C. In calculating permanent seniority in a class, temporary seniority in the same class shall not be added to permanent seniority in a class.

D. In calculating temporary seniority in a class, permanent seniority in the same class shall be added to temporary seniority in a class.

E. In the event of ties, seniority of civil service appointees will be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive lists have absolute priority over entrance lists.

F. For the purposes of calculating the seniority of non-civil service or limited tenure employees, all periods of time served in the most recent continuous temporary or limited tenure appointment will be combined and the cumulative total derived thereby will be used to determine seniority. Non-civil service employees who were previously limited tenure or temporary civil service in a current continuous appointment shall be treated as limited tenure for the purposes of lay-off.

G. Seniority acquired in a recognized craft apprenticeship program with the City and County shall be added to seniority in the journey-level class.

Section 32.03. ESTABLISHMENT AND VERIFICATION OF SENIORITY ROSTER

When a lay-off is imminent, an appointing officer will notify the Commission as to the class or classes affected. If requested by the General Manager, Personnel, the appointing officer will provide a seniority roster including, but not limited to, the name, status, certification date, and rank on eligible list of all employees in the affected classes and the number of such employees to be laid off. The General Manager, Personnel, upon verification of the seniority roster, will notify the appointing officer of the names of those employees to be laid off. Whenever possible the appointing officer must notify affected employees sufficiently in advance of a lay-off.

Section 32.04. ORDER OF LAY-OFF

Except as may otherwise be provided in this rule, lay-off of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

- A) Non-Civil Service
- B) Limited Tenure
- C) Temporary From Eligible List
- D) Probationary
- E) Permanent

Section 32.05. EXCEPTIONS TO ORDER OF LAY-OFF

A. Limited Tenure employees, who qualified for their positions as a result of meeting specific hiring criteria and who are appointed under specific funding guidelines which limit the duration of employment shall be laid off at the end of their designated tenure without effect on any other employees.

B. Persons appointed to positions requiring special qualifications or skills shall be laid off when the work requiring such special qualifications or skills is completed, providing such appointees shall have rights to continue employment within their class in positions where the special qualifications or skills are not required if their name has been reached for certification to a regular position.

C. In the event of a lay-off, a person appointed to a position requiring special qualifications or skills as approved by the General Manager, Personnel, shall continue in the position unless a more senior employee or holdover in the class in which the lay-off occurs possesses the same qualifications and skills. The General Manager, Personnel, may administer such tests as deemed necessary to determine possession of special qualifications and skills.

D. All exceptions to the order of lay-off shall require the express approval of the Commission.

Section 32.06. LAY-OFF - TEMPORARY APPOINTEES

A. Non-Civil Service Appointees

Non-Civil Service appointees will be laid off at the discretion of the appointing officer.

B. Limited Tenure Appointees

The lay-off of a limited tenure appointee shall be governed by the following provisions:

1. The limited tenure appointee with the least seniority in the class in the department shall be laid off first except if a more senior limited tenure appointee elects to be laid off. In the event of a conflict, the limited tenure appointee with the greater seniority shall have preference.
2. Entrance limited tenure employees shall be laid off prior to the lay-off of any promotional limited tenure appointees in the same class.
3. Limited tenure appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

C. Temporary Appointees From Eligible List

1. Order of lay-off for temporary appointees shall be by class within a department, by inverse order of seniority except if a more senior temporary appointee elects to be laid off. In the event of a conflict, the temporary appointee with the greater seniority shall have preference.

2. The names of temporary appointees who are laid off shall be returned to the eligible lists from which appointed for further certification if such lists are still in existence.

Section 32.07. LAY-OFF - PROBATIONARY APPOINTEES

A. Probationary appointees shall be laid off in inverse order of the date of permanent certification, except if a more senior probationary or permanent appointee elects to be laid off. In the event of a conflict, the probationary or permanent appointee with the greater seniority shall have preference.

B. As provided in Section 32.10.A, a probationary appointee, regardless of length of service, may displace any temporary appointee including part-time exempt, in the same class in any department.

Section 32.08. LAY-OFF - PERMANENT APPOINTEES

A. Lay-off of permanent appointees shall be by class in a department in inverse order of seniority except if a more senior permanent appointee elects to be laid off. In the event of a conflict, the permanent appointee with the greater seniority shall have preference.

B. Lay-off shall be treated separately under each appointing officer except that permanent and probationary employees in classes determined by the Commission and listed in the Appendix of this rule, may displace other permanent or probationary employees in the same class with less seniority in any department and except as otherwise provided below:

1. An appointee with five (5) or more years of seniority in a class, immediately prior to lay-off in that class, shall have the right to displace an appointee with less than five (5) years of seniority in that class in any department. In that event, lay-off shall be by inverse order of seniority in the class in the City and County service. The appointee shall then be subject to serving a new probationary period.
2. As provided in Section 32.10.A, a permanent appointee, regardless of length of service, may displace any temporary appointee, including part-time exempt, in the same class in any department.

C. Reinstatement From Entrance Appointment

either: An employee laid off from an entrance appointment shall be

1. Restored to a position in a class and department which the employee held on a permanent basis immediately prior to appointment in the class from which laid off. If necessary, lay-offs in the classes affected shall follow;
2. or as directed by the General Manager, Personnel, appointed in rank order of seniority to a position not filled by a permanent employee in any other city department in the class held on a permanent basis immediately prior to appointment in the class from which laid off.

3. Or, if options 1 and 2 are exhausted or if the employee had no permanent status prior to appointment in the class from which laid-off; the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the lay-off occurred provided such action will not adversely affect an incumbent certified from an eligible list. The General Manager, Personnel, shall designate and recommend such classes to the Commission.

D. Requirement for Probationary Period

Reinstatement to a position other than the position in the class and department in which permanently employed immediately prior to appointment in the class from which laid off will require the appointee to serve a new probationary period.

E. Seniority Date Upon Reinstatement

Employees who are reinstated to a position held on a permanent basis immediately prior to appointment in the class from which laid off will return with their original seniority date in the class. Employees who are reinstated to a position in which they have had no prior permanent service shall have seniority calculated from the date of certification to the class from which laid off.

Section 32.09. LAY-OFF – PROMOTIVE APPOINTEES

A. An employee laid off from a promotive appointment shall be either:

1. Restored to a position in the class and department from which promoted. If necessary, lay-offs in the classes affected shall follow;
2. or as directed by the General Manager, Personnel; appointed in rank order of seniority in the class to a position not filled by a permanent appointee in the class from which promoted in any other city department;
3. Or if options 1 and 2 are exhausted, the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the lay-off occurred or to an appropriate lower rank class provided such action will not adversely affect the permanent incumbents. The General Manager, Personnel, shall designate and recommend such classes to the Commission;
4. An employee who has completed the probationary period in a promotive appointment that is two (2) or more steps higher in an occupational series than the permanent position from which promoted may be returned to a position in the City and County service in the next lower ranks.

If necessary, lay-offs in the classes affected shall follow. For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of certification in the higher class or in a class designated by the General Manager, Personnel, as similarly related to the intermediate class. If the employee laid off is the least senior employee in the intermediate rank(s), the employee shall be placed on holdover list(s) for such intermediate rank(s) and shall be restored to the class from which promoted;

5. Promotive employees who do not wish to be reinstated to a former class, a similarly related class or an intermediate class may waive such reinstatement and elect to be laid off or placed on involuntary leave. Such waiver will not affect the employee's status on a holdover roster for the class from which laid off.

B. Higher Class Not Filled by Promotional Examination

The Commission may order that the provisions of this rule shall apply to appointees in higher classes in a class series even though the examination for such higher class was not held as a promotive examination or where appointees were blanketed in to such higher classes. If necessary, lay-offs in the classes affected shall follow. For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of certification in the higher class or in a class designated by the General Manager, Personnel, as similarly related to the intermediate class.

C. Requirement For Probationary Period

Reinstatement to a position other than the position in the class and department from which promoted will require the appointee to serve a new probationary period.

D. Reinstatement with Employee's Original Seniority in the Class

Employees who are reinstated from a promotive appointment are restored with their original seniority in the class, if any.

Section 32.10. HOLDOVER STATUS AND RETURN TO DUTY

A. Holdover Roster - General Requirements

1. Subject to the provisions of this rule, civil service appointees who are laid off or placed on an involuntary leave of absence shall be designated as holdovers.

2. The names of holdovers will be ranked on a holdover roster for the class or classes from which lay-off occurs and in the order of total seniority in the class in the City and County service. Seniority prior to resignation or termination shall not be used in determining holdover rights in a class.

3. Holdovers will be returned to duty in rank order from holdover rosters.

4. Holdovers shall for a period of five (5) years from the date of lay-off have preference for appointment over eligibles on civil service lists, or employees requesting transfer, reinstatement or reappointment. The Civil Service Commission, upon review of all the circumstances, may extend the holdover status for such specified period of time as it may deem proper.

5. Holdover rosters shall be canvassed in the following order: first, permanent holdover rosters; then, temporary holdover rosters.

6. Permanent holdovers will be returned to duty in temporary positions before temporary holdovers. Permanent holdovers shall displace any temporary or part-time exempt appointee in the same class in any City and County department. Permanent holdovers returned to duty in temporary positions will retain their status on the permanent holdover roster. In the event of a displacement, the least senior temporary or part-time exempt appointee in the City and County service will be laid off first.

7. Permanent holdovers in classes with city-wide seniority for lay-off purposes shall be entitled to displace only the least senior permanent employee in that class in City service. Holdovers who waive such appointment will remain on the holdover list for subsequent permanent appointment to vacant positions but may accept a temporary position in the class if available.

8. Exceptions to Return to Duty in Rank Order

a. If two (2) or more approved requisitions are on file, the General Manager, Personnel, may permit holdovers in line for appointment and in accordance with their standing on the roster to select from the available requisitions the positions to which they desire appointment.

b. In cases where holdovers on rosters who would be reached for appointment on requisitions, the General Manager, Personnel, may consult with appointing officers and employees involved, and if it is in the best interest of the service, may offer out said positions to holdovers so as to make it possible for them to return to duty in the department from which laid off.

9. Holdovers who are notified that they are being returned to duty are required to respond to the Civil Service Department within five (5) business days of the date of notification. The General Manager, Personnel, may extend time response period beyond five (5) business days. Failure of a holdover to respond within the time limits shall be considered a refusal of the offer and shall be subject to the penalty, if any, provided in this rule.

10. Except as otherwise provided in these Rules, holdovers who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated will forfeit their eligibility.

11. In all cases of change of address, the Civil Service Department must be notified in writing separately for each class involved. Notice of change of address to the post office and/or the employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to notice of return to duty within time limits.

12. Except as otherwise directed by the General Manager, Personnel, holdovers being returned to duty will not be required to pass a new medical examination.

13. A properly completed copy of the designated report of lay-off or involuntary leave of absence form must be forwarded to the Civil Service Department as soon as possible (in advance of the action if possible) so that the Civil Service Department may record the action and place the employee's name on a holdover roster for immediate consideration for return to duty.

14. Late reports of lay-off shall not interfere with nor affect the rights of holdovers to whom notices of return to duty have already been mailed and who have been or may be returned to duty in response to such notices except as follows: A holdover with more than five (5) years of seniority in a class can displace any appointee or any holdover who has been returned to duty who has less than five (5) years of seniority in the same class.

15. If there is no holdover roster for a class or if the holdover roster is exhausted, the General Manager, Personnel, may authorize that a holdover be returned to duty from another holdover roster deemed suitable to temporarily provide the required service. If no other roster is available, the position shall be offered to eligibles on regular civil service eligible lists or to individuals requesting transfer, reinstatement or reappointment.

16. Holdovers returned to duty will be reinstated with accrued compensatory time, if any, and with their original anniversary date for the purposes of computing sick leave and vacation benefits.

B. Holdover - Temporary Appointees

1. Appointees certified from an eligible list who have satisfactorily served under temporary appointment shall upon expiration of the list be designated a "temporary holdover."

2. Resignation from temporary appointment from a holdover roster or refusal of temporary appointment from a holdover roster cancels all temporary holdover rights in that class.

C. Holdover - Permanent and Probationary Appointees

1. A permanent or probationary appointee to a promotional or entrance position who is laid off shall be designated a "permanent holdover" and shall be returned to duty in a position in the class from which laid off from a holdover roster as provided in this rule.

2. A permanent holdover returned to duty on a permanent basis in a department other than the one from which laid off shall serve a new probationary period.

3. Return to duty of a permanent holdover to a position in the class from which laid off will be subject to the following conditions:

a. Return to Duty - Department From Which Laid-Off

Permanent Vacancy - A permanent holdover who refuses an offer to return to duty on a permanent basis in the department from which laid off will forfeit all holdover rights in that class, and will be removed from all rosters for that class. Such refusal of return to duty will be deemed a resignation.

Temporary Vacancy - Permanent holdovers may refuse an offer to return to duty on a temporary basis in the department from which laid off without affecting future offers to be returned to duty. Waiver of temporary appointment may not be removed without the permission of the General Manager, Personnel.

b. Return to Duty - Department Other Than the One From Which Laid Off

Permanent holdovers may refuse an offer to return to duty on a permanent or temporary basis in a department other than the department from which laid off without affecting future offers to be returned to duty. Such departmental waivers may not be withdrawn without the approval of the General Manager, Personnel.

4. A permanent holdover who was laid off during the probationary period and who is returned to duty in the department from which laid off shall complete the remaining period of probationary service.

5. Transferees who are laid off during the probationary period shall be ranked on the permanent holdover roster for the class in accordance with their seniority in the class in the City and County service.

6. Permanent holdovers who resign or are terminated during the probationary period may be returned to the holdover roster from which appointed subject to the provisions these Rules. Such holdovers shall not displace any current permanent or probationary employees, but will remain on the list for subsequent permanent appointment to vacant positions and may accept a temporary position in the class, if available.

Section 32.11. INVOLUNTARY LEAVE OF ABSENCE

A. Whenever it becomes necessary to effect a reduction in force due to lack of work or lack of funds which will result in the displacement of a permanent or probationary appointee from the City and County service, an appointing officer, notwithstanding other provisions of these Rules governing leaves of absence, shall place such employees on a leave of absence of an involuntary nature unless the employee elects to be laid off.

B. Such reductions in force shall be effected by the provisions of this rule governing seniority and order of lay-off.

C. Employees placed on an involuntary leave of absence shall be ranked on the holdover roster for the class from which laid off and shall be returned to duty as provided in this rule.

D. Leaves of absence imposed under the provisions of this rule will expire upon the return to duty of the holdover, upon the expiration of holdover status, or upon written request of the employee to elect to be laid off while on involuntary leave.

RULE 32 - APPENDIX

CLASSIFICATIONS INCLUDED IN CITY-WIDE SENIORITY
FOR LAY-OFF PURPOSES
(Rule 32, Section 32.08)

2708	CUSTODIAN
3402	FARMER
3417	GARDENER
3428	NURSERY SPECIALIST
3434	TREE TOPPER
5310	SURVEYOR'S FIELD ASSISTANT
5312	SURVEYOR
6318	CONSTRUCTION INSPECTOR
7306	AUTOMOTIVE BODY AND FENDER WORKER
7309	CAR AND AUTO PAINTER
7311	CEMENT MASON
7313	AUTOMOTIVE MACHINIST
7318	ELECTRONIC MAINTENANCE TECHNICIAN
7319	ELECTRIC MOTOR REPAIRER
7326	GLAZIER
7328	OPERATING ENGINEER, UNIVERSAL
7332	MAINTENANCE MACHINIST
7333	APPRENTICE STATIONARY ENGINEER
7334	STATIONARY ENGINEER
7338	ELECTRICAL LINE WORKER
7344	CARPENTER
7345	ELECTRICIAN
7346	PAINTER
7347	PLUMBER
7348	STEAMFITTER
7355	TRUCK DRIVER
7358	PATTERN MAKER
7360	PIPE WELDER
7367	RADIO TECHNICIAN
7372	STATIONARY ENGINEER, SEWAGE PLANT
7375	APPRENTICE STATIONARY ENGINEER, SEWAGE PLANT
7376	SHEET METAL WORKER
7381	AUTOMOTIVE MECHANIC
7388	UTILITY PLUMBER
7392	WINDOW CLEANER
7395	ORNAMENTAL IRON WORKER
7404	ASPHALT FINISHER
7410	AUTOMOTIVE SERVICE WORKER
7434	MAINTENANCE MACHINIST HELPER
7450	SHADE AND DRAPERY WORKER
7514	GENERAL LABORER

